



American  
Jewish  
University

## Policy on Prohibition of Sex Discrimination

January 2025

**AMERICAN JEWISH UNIVERSITY**  
**POLICY ON PROHIBITION OF SEX DISCRIMINATION**

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## **1. Notice of Nondiscrimination**

The Policy on Prohibition of Sex Discrimination (“Policy”) prohibits all forms of discrimination or harassment on the basis of actual or perceived Sex, Sex Stereotypes, Pregnancy or Related Conditions, Parental, Marital, or Familial Status, Gender, Gender Identity, Gender Expression, Sexual Orientation, and status as a victim of Sexual Assault, Domestic Violence, or Stalking. This Policy prohibits all forms of Sex Discrimination, which includes- Discriminatory Harassment, Sexual Harassment (which is defined by Federal law to include Sexual Assault, Dating Violence, Domestic Violence, and Stalking), Sexual Violence, and Sexual Battery. This Policy also prohibits other civil rights offenses including Sexual Exploitation, Harm/Endangerment, Sex or Gender-Based Harassment, Sex or Gender-Based Discrimination, Intimidation, Sex or Gender-Based Hazing, Sex or Gender-Based Bullying, and Violation of No-Contact Directive or Supportive Measures. In addition, this Policy prohibits certain consensual sexual and/or romantic relationships between Employees and Students, and between Employees where there is a power differential or imbalance. Lastly, this Policy also prohibits Retaliation against a person who reports, complains about, or who otherwise participates in good faith in any matter related to this Policy. All the foregoing conduct will be referred to as “Prohibited Conduct” and this definition extends to Attempts of conduct that, if successful, would result in a Prohibited Conduct.

American Jewish University (“AJU” or “University”) does not discriminate in any of its Education Program or Activity, including educational, extracurricular, athletic, or other programs or in the context of employment, as required by Title IX and its implemented regulations. Sex Discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides: No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any Education Program or Activity receiving Federal financial assistance.

American Jewish University similarly complies with Title VII of the Civil Rights Act of 1964, the Fair Housing Act of 1968, the Jeanne Clery Campus Safety Act, the California Fair Employment and Housing Act, relevant sections of the California Education Code, and other applicable statutes. The University complies with both federal and state laws, and will comply with Title IX if any state or local law or mandate is in conflict with Title IX.

The University also prohibits other forms of discrimination and harassment, including on the basis of actual or perceived race, color, religion, national origin, language, ancestry, age, physical or mental disability, medical condition, genetic information/characteristic, veteran status, or any other characteristic protected by federal, state, or local law. Such prohibited conduct is addressed by the University’s [Policy on Prohibition of Unlawful Discrimination, Harassment, and Retaliation](#).

## **2. Introduction**

This Policy provides information about what constitutes Prohibited Conduct under the law and University Policy. The University has also adopted accompanying Procedures that provide for the timely, equitable, and effective resolution of complaints alleging violation(s) of this Policy made by Students, Employees, or other individuals who are participating in or attempting to participate in its Education Program or Activity, or by the Title IX Coordinator. Please see the accompanying [Procedures on Prohibition of Sex Discrimination](#) ("Procedures").

The core purpose of this Policy is the prohibition and prevention of all forms of Sex Discrimination, and Retaliation. Sometimes, Sex Discrimination involves exclusion from or different treatment in activities, such as admission, athletics, or employment. Other times, Sex Discrimination takes the form of harassment or, in the case of Title IX's definition of harassment, can encompass Sexual Harassment, Sexual Assault, Stalking, Dating Violence or Domestic Violence. When an alleged violation of this Policy is reported, the allegations are subject to resolution using the university's "Process A" or "Process B," as determined by the Title IX Coordinator, and as detailed within the associated Procedures. In general, if some or all of the allegations in a complaint related to the protections of Title IX as described in the 2020 Federal Regulations (34 CFR §106) then all allegations in the complaint are resolved through Process A. All other complaints under this Policy are resolved through Process B.

This Policy and the accompanying Procedures are under the authority of University's Title IX Coordinator. The Title IX Coordinator may delegate specific duties to one or more designees. This Policy and accompanying Procedures will be published and accessible via the University's website.

This Policy is effective January 9, 2025, and is not retroactive. The University may revise this Policy and the accompanying Procedures from time to time. If government laws or regulations change or court decision alter the requirements in a way that impacts this Policy, this Policy will be construed to comply with the most recent government regulations. Allegations of Prohibited Conduct will be reviewed using Policy definitions in place at the time of the alleged incident(s). The definitions of Prohibited Conduct in this Policy should be used for alleged misconduct that occurs on or after January 9, 2025. For alleged misconduct that occurred before January 9, 2025, please refer to the AJU Sexual Misconduct Policy & Procedures (Revised August 9, 2022).

## **3. Title IX Coordinator's Contact Information**

Morgan Dyrek serves as the University's Title IX Coordinator and oversees the implementation of the Policy on Prohibition of Sex Discrimination.

The Title IX Coordinator has the primary responsibility for coordinating the University's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remedy, and prevent discrimination, harassment, and retaliation prohibited under this Policy.

Inquiries or concerns about this Policy and the associated Procedures may be referred to the University's Title IX Coordinator. The Title IX Coordinator has the authority to update this Policy to reflect new contact information or personnel changes as necessary.

The Title IX Coordinator's contact information is listed below:

**Morgan Dyrek**  
**Title IX Coordinator**  
**15600 Mulholland Drive**  
**Los Angeles, CA 90077**  
**Phone: 310-440-1571**  
**Email: [titleix@aju.edu](mailto:titleix@aju.edu)**

#### **4. Scope of Policy and Jurisdiction**

This Policy applies to all University community members including students, faculty, staff, administrators, consultants, volunteers, visitors, vendors, and any individuals regularly or temporarily employed, studying, living, visiting, conducting business with or on behalf of the University, or having any official capacity with the University or on University property. This includes all individuals participating in or attempting to participate in the University's program activities, including education, employment, and admissions. The Respondent must be a member of the University community in order for this Policy to apply.

Behavior explicitly prohibited by this Policy is that which is alleged to have occurred within an Education Program or Activity of the University. For purposes of this Policy, "Education Program or Activity" includes locations, events, or circumstances over which the University exercised substantial control over both the Respondent (i.e. the person(s) alleged to have violated the Policy) and the context in which the Sex Discrimination occurred, and also includes any buildings owned or controlled by a student organization that is officially recognized by AJU. Education Program or Activity includes University's employees' work environment.

This Policy may also apply to the effects of off-campus or online misconduct that effectively deprives a person of access to the University's Education Program or Activity. The University may also extend jurisdiction to off-campus and/or to online conduct when Title IX Coordinator determines that the conduct affects a substantial University interest.

Regardless of where the conduct occurred, the University will address notice/complaints to determine whether the conduct occurred in the context of its Education Program or Activity and/or has continuing effects on campus (including virtual learning and employment environments) or in an off-campus sponsored program or activity. A substantial University interest includes:

- A. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law.
- B. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any Student, Employee, or other individual.

- C. Any situation that significantly impinges upon the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder.
- D. Any situation that substantially interferes with the University's educational interests or mission.

This Policy applies to and protects visitors to the university. Visitors may file a complaint for alleged violation(s) of University policies and procedures committed by members of the University community. University community members may be held accountable for the conduct of their guests.

If the Respondent is unknown or is not a member of the University community, the Title IX Coordinator will assist the Complainant in identifying appropriate institutional and local resources and support options. If criminal conduct is alleged, the University can assist in contacting local or institutional law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of the University community, supportive measures, remedies, and resources may be provided to the Complainant by contacting the Title IX Coordinator.

In addition, the University may take other actions as appropriate to protect the Complainant against External Parties, such as barring individuals from University property and/or events.

All vendors serving the University through third-party contracts are subject to the policies and procedures of their employers and/or to this Policy and the accompanying Procedures to which their employer has agreed to be bound via their contracts.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to pursue action under that institution's policies.

Similarly, the Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to the University where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give the Complainant recourse.

## **5. Policy Implementation**

This Policy is established in compliance with:

- A. Title IX of the Education Amendments of 1972, Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance (34 C.F.R. 106.);
- B. The California Equity in Higher Education Act;

- C. The Jeanne Clery Campus Safety Act (as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA));
- D. Other applicable state and federal laws which prohibit Sex-Based Discrimination, Sexual Harassment, Sexual Assault, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation.

## **6. Prohibited Conduct**

*This Policy is effective January 9, 2025, and is not retroactive. The definitions of Prohibited Conduct and capitalized terms below should be used for alleged misconduct that occurs on or after January 9, 2025. The definitions for alleged misconduct that occurred before January 9, 2025, can be found in the [AJU Sexual Misconduct Policy & Procedures \(Revised August 9, 2022\)](#).*

*The definitions of Prohibited Conduct are not intended to be identical to legal requirements. In certain cases, conduct may be determined to violate this Policy even though it does not necessarily violate federal or state law.*

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of Discriminatory Harassment. This Policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial, or sensitive subject matters protected by academic freedom.

The sections below describe the specific forms of legally prohibited harassment that are also prohibited under University's Policy. Collectively, these are referred to as Sex Discrimination.

When speech or conduct is protected by academic freedom and/or California's Leonard Law, it will not be considered a violation of this Policy, though supportive measures will be offered to those impacted. All offense definitions encompass actual and/or attempted offenses. The University's policies are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below.

### **A. Discriminatory Harassment**

Discriminatory Harassment is defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived characteristic protected by Policy or law. Discriminatory Harassment is a form of prohibited Discrimination under this Policy.

AJU does not tolerate Discriminatory Harassment of any employee, student, visitor, or third party. AJU will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a "hostile environment." A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities. This discriminatory effect results from harassing verbal, written, graphic, and/or physical conduct that is severe or pervasive **and** objectively offensive.



When Discriminatory Harassment rises to the level of creating a hostile environment, AJU may also impose sanctions on the Respondent through application of the appropriate grievance process in the accompanying Procedures.

AJU reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature and not based on a protected status. Addressing such conduct will not result in the imposition of discipline under AJU Policy, but may be addressed through respectful conversation, remedial actions, education, effective alternate resolution, and/or other informal resolution mechanisms.

For assistance with alternate resolution and other informal resolution techniques and approaches, employees should contact Human Resources, and students should contact Academic Affairs.

## **B. Sexual Harassment**

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of California regard Sexual Harassment, a specific form of Discriminatory Harassment, as an unlawful discriminatory practice.

Acts of Sexual Harassment may be committed by any person upon any other person, regardless of the Sex, Sexual Orientation, Gender Identity, and/or Gender Expression of those involved.

AJU has adopted the following definitions of Sexual Harassment in order to address the unique environment of an academic community. Two definitions are required by federal law, and the other by state law. While they overlap, they are not identical, and they apply as noted.

**California Sexual Harassment** definition applies to all complaints within the University's jurisdiction:

- 1) Unwelcome sexual advances, or
- 2) Requests for sexual favors, or
- 3) Other verbal, visual, or physical conduct of a sexual nature,
- 4) Made by someone from in the work or educational setting,
- 5) Under any of the following conditions:
  - Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress, or
  - Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual, or

- The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment, or
- Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

**Sexual Violence**, defined as: physical sexual acts, perpetrated against a person without the person's affirmative consent.

**Sexual Battery**, defined as:

- 1) The intentional touching of another person's intimate parts without consent, or
- 2) Intentionally causing a person to touch the intimate parts of another without consent, or
- 3) Using a person's own intimate part to intentionally touch another person's body part without consent.

**Title VII/FHA Sexual Harassment** applies to situations where an employee is subjected to workplace sexual harassment or where a situation involves a residential Complainant in University-provided housing.

- 1) Unwelcome verbal, written, graphic, and/or physical conduct;
- 2) That is severe or pervasive and objectively offensive;
- 3) On the basis of Sex/Gender, that
- 4) Unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities.

**Title IX Sexual Harassment**, as an umbrella category, includes the offenses of Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking. This definition applies to all formal complaints that fall within Title IX jurisdiction as determined by the Title IX Coordinator. Sexual Harassment includes:

Conduct on the basis of Sex, or that is sexual in nature, that satisfies one or more of the following:

- 1) **Quid Pro Quo:**
  - a. An employee of the University,
  - b. conditions the provision of an aid, benefit, or service of the recipient,
  - c. on an individual's participation in unwelcome sexual conduct.
- 2) **Sexual Harassment (Hostile Environment):**
  - a. Unwelcome conduct,
  - b. determined by a reasonable person,
  - c. to be so severe, and
  - d. pervasive, and,

- e. objectively offensive,
  - f. that it effectively denies a Complainant equal access to the University's education program or activity.
- 3) **Sexual Assault**, defined as:
- a. **Sex Offenses, Forcible:**
    - Any sexual act directed against a Complainant,
    - without their Consent, or
    - instances in which the Complainant is incapable of giving Consent.
  - b. **Rape:**
    - Penetration,
    - no matter how slight,
    - of the vagina or anus with any body part or object, or
    - oral penetration by a sex organ of another person,
    - without the Consent of the Complainant,
    - including instances in which the Complainant is incapable of giving Consent.
  - c. **Nonconsensual Sodomy:**
    - Oral or anal sexual intercourse with a Complainant,
    - forcibly,
    - and/or against their will (non-consensually), or
    - not forcibly or against their will in instances in which the Complainant is incapable of giving Consent because of age per California State Law or because of temporary or permanent mental or physical incapacity.
  - d. **Sexual Assault with an Object:**
    - The use of an object or instrument to penetrate,
    - however slightly,
    - the genital or anal opening of the body of the Complainant,
    - forcibly,
    - and/or against their will (non-consensually),
    - or not forcibly or against their will in instances in which the Complainant is incapable of giving Consent because of age or because of temporary or permanent mental or physical incapacity.
  - e. **Nonconsensual Fondling:**
    - The touching of the private body parts of the Complainant (buttocks, groin, breasts),
    - for the purpose of sexual gratification,
    - forcibly,
    - and/or against their will (non-consensually),
    - or not forcibly or against their will in instances in which the Complainant is incapable of giving Consent because of age or because of temporary or permanent mental or physical incapacity.

- f. **Incest:**
  - Non-forcible sexual intercourse,
  - between persons who are related to each other,
  - within the degrees wherein marriage is prohibited by California law.
- g. **Statutory Rape:**
  - Non-forcible sexual intercourse,
  - with a person who is under the statutory age of consent (18 years of age in California).

4) **Dating Violence**, defined as:

- a. Violence,
- b. on the basis of Sex,
- c. committed by a person,
- d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
  - i. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
    - Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    - Dating Violence does not include acts covered under the definition of Domestic Violence.

5) **Domestic Violence**, defined as:

- a. violence,
- b. on the basis of Sex,
- c. committed by a current or former spouse or intimate partner of the Complainant,
- d. by a person with whom the Complainant shares a child in common, or
- e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of California, or
- g. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of California.

6) **Stalking**, defined as:

- a. Engaging in a course of conduct,
- b. on the basis of Sex,
- c. directed at the Complainant, that
  - i. would cause a reasonable person to fear for the person's safety, or
  - ii. the safety of others; or
  - iii. Suffer substantial emotional distress.

For the purposes of this definition—

- Course of conduct means two or more acts, including, but not limited to acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

### **C. Other Civil Rights Offenses**

In addition to the forms of Sexual Harassment described above, which are covered by Title IX as defined in 34 CFR §106.30, the University additionally prohibits the following offenses as forms of discrimination that may be within or outside of Title IX as defined in 34 CFR §106.30 when the act is based upon the Complainant's actual or perceived Sex, Gender, Gender Identity, or Gender Expression.

#### **1) Sexual Exploitation, defined as:**

- a. a person taking sexual advantage of another person,
- b. for the benefit of anyone other than that person,
- c. without that person's consent,
- d. including, but not limited to, any of the following acts:
  - The prostituting of another person,
  - The trafficking of another person, defined as the inducement of a person to perform a commercial sex act, or labor or services, through force, fraud, or coercion,
  - The recording of images, including video or photograph, or audio of another person's sexual activity or intimate parts, without that person's consent,
  - The distribution of images, including video or photograph, or audio of another person's sexual activity or intimate parts, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure, or
  - The viewing of another person's sexual activity or intimate parts, in a place where the other person would have a reasonable expectation of privacy, without that person's consent, for the purpose of arousing or gratifying sexual desire.
  - Invasion of sexual privacy (e.g., doxxing)
  - Knowingly making an unwelcome disclosure of (or threatening to disclose) an individual's Sexual Orientation, Gender Identity, or Gender Expression
  - Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually

transmitted disease (STD) or infection (STI), without informing the other person of the virus, disease, or infection

- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections (e.g., spoofing)
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- Knowingly soliciting a Minor for sexual activity
- Knowingly creating, possessing, or disseminating child pornography

2) **Harm/Endangerment**, defined as:

- a. Threatening or causing physical harm;
- b. Extreme verbal, emotional, or psychological abuse; or other conduct which threatens or endangers the health or safety of any person or damages their property.

3) **Sex or Gender-Based Harassment**, defined as:

- a. Acts of verbal, nonverbal, or physical aggression, based on Gender, Gender Expression, Gender Identity, Sex, Sex Stereotypes, or Sexual Orientation;
- b. Unwelcome sexual advances, requests for sexual favors;
- c. Verbal, visual or physical conduct of a sexual nature;

4) **Sex or Gender-Based Discrimination**, defined as:

- a. Actions based on Gender, Gender Expression, Gender Identity, Sex, Sex Stereotypes, or Sexual Orientation, that deprive, limit, or deny
- b. other members of the community
- c. of educational or employment access, benefits, or opportunities,
- d. including disparate treatment.

5) **Intimidation**, defined as:

- a. Implied threats or
- b. Acts that cause the Complainant reasonable fear of harm.

6) **Sex or Gender-Based Hazing**, defined as:

- a. Acts based on Gender, Gender Expression, Gender Identity, Sex, Sex Stereotypes, or Sexual Orientation, likely to cause physical or psychological harm or social ostracism
- b. to any person within the AJU community,
- c. when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy).

**7) Sex or Gender-Based Bullying, defined as:**

- a. Repeated and/or severe aggressive behavior based on Gender, Gender Expression, Gender Identity, Sex, Sex Stereotypes, or Sexual Orientation,
- b. that is likely to intimidate or intentionally hurt, control, or physically or mentally diminish the Complainant,
- c. that is not speech or conduct that is otherwise protected by the First Amendment or Leonard Law.

**8) Violation of No Contact/Supportive or Protective Measures:**

- a. Failure to abide by or follow the requirements of a no-contact order or other Supportive or protective Measures.

Violation of any other University policies may constitute a Civil Rights Offense when a violation is motivated by actual or perceived membership in a Protected Status, and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities. Sanctions for the above-listed Civil Rights Offenses range from reprimand through dismissal/termination.

**D. Prohibited Consensual Relationships Where There is a Power Imbalance**

Consensual Relationships between an Employee and any Student are expressly prohibited by this Policy.

A Consensual Relationship, for the purpose of this Policy, means a sexual or romantic relationship between two individuals who voluntarily enter into such a relationship.

This Policy also prohibits Consensual Relationships between an Employee and any Employee over whom they exercise, direct or otherwise, administrative, supervisory, evaluative, or counseling authority.

No person in a management or supervisory position shall be engaged in a Consensual Relationship with an Employee whom they directly supervise or whose terms or conditions of employment they may influence (examples of terms or conditions of employment include promotion, termination, discipline, and compensation). To the extent possible, a supervisor or manager who has had a previous Consensual Relationship with a subordinate or Employee whose terms and conditions they may influence will not be involved in decisions relating to that individual's promotions, raises, termination or other terms and conditions of employment.

**E. Retaliation**

Protected activity under this Policy includes reporting alleged misconduct that may implicate this Policy, participating in the Resolution Process, supporting a Complainant or Respondent, assisting in providing information relevant to an Investigation, and/or

acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly addressed. The University will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

AJU and any member of the AJU community are prohibited from taking or attempting to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or Policy. Such actions may also be exerted because the person has:

- 1) Opposed conduct which was reasonably and in good faith believes to be in violation of this Policy;
- 2) Reported information;
- 3) Made a complaint;
- 4) Testified, assisted or participated or refused to participate in any manner in an Investigation, proceeding or hearing under this Policy (regardless of whether the complaint was substantiated);
- 5) Assisted someone else in reporting or opposing a violation of this Policy; or
- 6) Assisted someone else is reporting or opposing Retaliation under this Policy.

Retaliation may be undertaken by a Student, faculty or an Employee or other person authorized by the University to provide aid, benefit or service under the University's Education Program or Activity.

Retaliation includes Peer Retaliation, which means Retaliation by a Student against another Student.

Retaliation may occur even when there is not a power differential between the individuals involved.

The exercise of rights protected under the First Amendment or Leonard Law does not constitute retaliation.

Retaliation under this definition includes conduct that would discourage a reasonable person from reporting or participating in a process outlined in this Policy.

Actions made in good faith and lawfully pursued to address a complaint are not considered **Retaliation**. These actions may include, but are not limited to, providing Supportive Measures, gathering evidence, disciplining Students or Employees who have been found responsible for a violation of this Policy.

Pursuing a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy and accompanying Procedures does not constitute Retaliation, provided that the determination of responsibility, by itself, is not sufficient to conclude that any party has made a materially false statement in bad faith.



## **7. Prohibited Conduct That Occurs Online**

This Policy applies to online displays of any of the Prohibited Conduct identified above, when that conduct occurs in or has an impact on the University's Education Program or Activity, or when it involves the use of University networks, technology, or equipment. Impact includes causing substantial disruption to AJU's Education Program or Activity, or infringement on the rights of others.

Members of the AJU community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites; sharing inappropriate content via social media; unwelcome sexual or sex-based messaging; distributing, or threatening to distribute, nude or semi-nude photos or recordings; breaches of privacy; or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the AJU community.

Any online posting or other electronic communication by Students, including cyber-bullying, cyber-stalking, cyber-harassment, etc., occurring completely outside of the University's control (e.g., not on University networks, websites, or between University email accounts) will only be subject to this Policy when such online conduct can be shown to cause a substantial in-program disruption or infringement on the rights of others.

Otherwise, such communications are considered speech protected by the First Amendment/Leonard Law. Supportive measures for Complainants will be provided, but legally protected speech cannot be subjected to discipline.

Off-campus harassing speech by employees, whether online or in person, may be regulated by the University only when such speech is made in an employee's official or work-related capacity.

When online communications that could constitute a Prohibited Conduct is reported to the University, AJU will take measures to address and mitigate the impact even if the University may not control websites, social media, and other platforms through which the alleged communications are made. The University may use the Resolution Process to address off-campus or online conduct whose impact contributed to the limit or denial of a person's access to AJU's Education Program or Activity.

## **8. Policy Definitions**

**Advisor:** An individual chosen by a Party to advise them on the complaint Resolution Process. The advisor can assist Parties with navigating and understanding the complaint Resolution Process, including providing support during the process and attending any meeting or interview that is associated with the process.

**Affirmative Consent:** An affirmative, conscious, and voluntary agreement to engage in sexual activity. Affirmative consent is required for any sexual activity to occur between two or more individuals. It is the responsibility of each person involved in the sexual activity to ensure that the person has the affirmative consent of the other(s) to engage in the sexual

activity.

It will not be a valid excuse for alleged lack of Affirmative Consent that the Respondent believed that the Complainant consented to the sexual activity under either of the following circumstances: (a) The Respondent's belief in Affirmative Consent arose from the intoxication or recklessness of the Respondent, or (b) the Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented.

A current or previous dating or marital relationship shall not be sufficient to constitute consent. Evidence that the victim suggested, requested, or otherwise communicated to the Respondent that the Respondent use a condom, other birth control or protective/prophylactic device, without additional evidence of consent, is not sufficient to constitute consent. Consent cannot be given by a person known under the legal age of consent or by someone, or who should have been known, to be mentally or physically incapable of providing Consent (by alcohol or other drug use, unconsciousness, blackout, sleep, shock disability, age [i.e. under 18 years old] or for any other reason).

The following are essential elements of Affirmative Consent:

- Informed and reciprocal: All Parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting and a willingness to do the same thing, at the same time, in the same way.
- Freely and actively given: Consent cannot be obtained through the use of Force, Coercion, threats, Intimidation or pressuring, or by taking advantage of the Incapacitation of another individual.
- Mutually understandable: Communication consists of mutually understandable words and/or actions that indicate a mutually unambiguous willingness to engage in sexual activity. Consent may not be inferred from silence, passivity, lack of resistance, or lack of active response. An individual who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. Relying solely upon non-verbal communication can lead to a false conclusion as to whether consent was sought or given.
- Not indefinite: Affirmative consent must be ongoing throughout the activity. Consent may be withdrawn by any party at any time. Recognizing the dynamic nature of sexual activity, individuals choosing to engage in sexual activity must evaluate consenting to an ongoing manner and communicate clearly throughout all stages of sexual activity. Withdrawal of consent can be a verbally expressed "no" or "stop" or can be based on an outward demonstration that conveys that an individual is hesitant, confused, uncertain, or is no longer a mutual participant. Once consent is withdrawn, the sexual activity must cease immediately, and all Parties must obtain

mutually expressed or clearly stated consent before continuing further sexual activity.

- **Not unlimited:** Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one person constitute consent to activity with any other person. Each participant in a sexual encounter must consent to each form of sexual contact with each participant. Even in the context of a current or previous intimate relationship, each party must consent to each instance of sexual contact each time. The consent must be based on mutually understandable communication that clearly indicates a willingness to engage in sexual activity. The mere fact that there has been prior intimacy or sexual activity does not, by itself, imply consent to future acts.

In evaluating whether consent has been freely sought and given, the University will consider all relevant facts and circumstances, including, but not limited to, the ages of the Parties; the presence of any Force, threat of Force, Intimidation, or Coercion; whether the Complainant had the capacity to give consent; and, whether the communication (through words and/or actions) between the Parties would be interpreted by a reasonable person (under similar circumstances and with similar identities) as a willingness to engage in a particular sexual act.

**Age:** The State of California considers sexual intercourse with a Minor (a person under the age of 18) to be unlawful. A person who engages in unlawful sexual intercourse with a Minor does so without Affirmative Consent as defined by this Policy.

**Appeal Officer:** The person who accepts or rejects a submitted appeal request, determines whether an error occurred that substantially affected the Investigation or original determination, and directs corrective action, accordingly.

**Attempts:** Conduct that, if successful, would constitute or result in the Prohibited Conduct.

**Coercion:** The improper use of pressure to compel another individual to initiate or continue sexual activity against that individual's will. Consent obtained through Coercion is not valid. Coercive conduct differs from seductive conduct based on factors such as they type and/or extent of the pressure used to obtain consent.

Coercion can include a wide range of behaviors, including Intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute Coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Examples of Coercion include threatening to "out" someone based on Sexual Orientation, Gender Identity, or gender expression and threatening to harm oneself if the other Party does not engage in the sexual activity. When someone indicates, verbally or physically, that they do not want to engage in a particular

sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued activity or pressure to continue beyond that point can be coercive.

The University will evaluate the following in determining whether Coercion was used:

- A. the frequency of the application of pressure,
- B. the intensity of the pressure,
- C. the degree of isolation of the person being pressured, and
- D. the duration of the pressure.

**Complainant:** An individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a Protected Status; or Retaliation for engaging in a protected activity. (In certain cases, a person with the legal right to act on behalf of a Complainant or the Title IX Coordinator could make a complaint, but they do not become the Complainant.)

**Confidentiality:** Legally protected information that is exchanged or developed between an individual and those who provide services related to medical and clinical care, mental health care, counselors and ordained clergy. The law creates a Privilege between certain health care providers, attorneys, clergy, and their patients, clients, parishioners, congregants and/or members of a congregation, and spouses.

**Confidential Employee:** 1) An Employee whose communications are privileged or confidential under federal or state law. The Employee's confidential status, for purposes of this definition, is only with respect to information received while the Employee is functioning within the scope of their duties to which Privilege or Confidentiality applies; or 2) An Employee whom the University has designated as confidential under this Policy for the purpose of providing services to persons related to Sex Discrimination. If the Employee also has a duty not associated with providing those services, the Employee's confidential status only applies with respect to information received about Sex Discrimination in connection with providing those services. A Confidential Employee is not required to report Notice of harassment, Discrimination, and/or Retaliation (irrespective of Clergy Act Campus Security Authority status).

**Consolidation:** The joining or combining the complaint Resolution Process for complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against another Party, when the allegations arise out of the same facts or circumstances. The Consolidation process is subject to the Family Educational Rights and Privacy Act (FERPA) and other applicable privacy laws.

**Decision-Maker:** The person who hears evidence, determines relevance, makes the Final Determination of whether this Policy has been violated, and then issues a decision and

Sanctions where applicable. Under Process A, a Decision-Maker cannot be the same person as the Title IX Coordinator and/or the Investigator. Under Process B, a Decision-Maker may be the same person as the Title IX Coordinator and/or the Investigator.

**Directly Related Evidence:** Evidence connected to the complaint, but which is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and cannot be relied upon by the Decision-maker(s).

**Discrimination:** Less favorable treatment because of a person's membership in a status protected by law.

**Discriminatory Harassment:** Unwelcome conduct by any member or group of the University community on the basis of actual or perceived membership in a status protected by Policy or law.

**Education Program or Activity:** Locations, events, or circumstances over which the University exercised substantial control over the both the Respondent and the context in which the Sex Discrimination occurred, and also includes any buildings owned or controlled by a student organization that is officially recognized by AJU. Education Program or Activity includes University's Employees' work environment.

**Employee:** A person employed by the University. This term includes full-time, part-time, permanent, tenured, probationary, temporary, intermittent, casual, and per-diem positions. This term does not include volunteers or other External Parties. Employee also includes individuals who were employed by AJU at the time the complaint was filed and have since left the employ of AJU.

**External Party:** A person other than an Employee or a Student. Examples include members of the University's Board of Directors, unpaid interns, volunteers, applicants for employment, independent contractors, vendors, and their employees, and visitors.

**Familial Status:** The configuration of one's family or one's role in a family. Familial Status is a Protected Status.

**Final Determination:** A conclusion by the Preponderance of the Evidence standard of proof that the alleged conduct did or did not violate this Policy.

**Finding:** A conclusion by the Preponderance of the Evidence standard of proof that the conduct did or did not occur as alleged (as in a "finding of fact").

**Force:** The use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, Intimidation (implied threats), and Coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," "Okay, don't hit me, I'll do what you want.").

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent.

Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

**Formal Complaint:** A document submitted or signed by a Complainant or by the Title IX Coordinator alleging a Respondent engaged in harassment or discrimination based on a Protected Status or Retaliation for engaging in a protected activity against a Respondent and requesting that the University investigate the allegation(s).

**Formal Grievance Process:** “Process A”, a method of formal resolution designated by the University to address conduct that falls within this Policy, and which complies with the requirements of the Title IX regulations (34 C.F.R. § 106.45) and the Violence Against Women Act § 304.

**Gender:** Includes the social and cultural attributes, roles, behaviors, and identities associated with individuals based on their perceived or assigned sex. Important aspects of Gender include Gender Expression and Gender Identity. Gender and the following bolded terms are Protected Statuses.

**Gender Expression:** External characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, grooming, mannerisms, speech patterns, and social interactions. Social or cultural norms can vary widely and some characteristics that may be accepted as masculine, feminine, or neutral in one culture may not be assessed similarly in another.

**Gender Identity:** A person’s innate, deeply felt psychological identification of Gender, which may or may not correspond to the person’s sex assigned at birth (the sex originally listed on a person’s birth certificate).

**Incapacitation:** A state where an individual cannot make an informed and rational decision to engage in sexual activity because of a lack of conscious understanding of the fact, nature, or extent of the act (e.g., to understand the who, what, when, where, why, or how of the sexual interaction) and/or is physically helpless. For example, an individual is incapacitated, and therefore, unable to give consent, if the individual is asleep, unconscious, or otherwise unaware that sexual activity is occurring. An individual will also be considered incapacitated if the person cannot understand the nature of the activity or communicate due to mental or physical condition, or involuntary physical restraint.

Incapacitation may result from the use of alcohol, drugs, or other medication. Consumption of alcohol or other drugs alone is insufficient to establish Incapacitation. The impact of alcohol and drugs varies from person to person, and evaluating Incapacitation requires an assessment of how the consumption of alcohol and/or drugs impacts an individual’s: (1) decision-making ability; (2) awareness of consequences; (3) ability to make informed judgments; or (4) capacity to appreciate the nature and the quality of the act.

It will not be a valid excuse that the Respondent believed that the Complainant affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances: (a) the Complainant was asleep or unconscious; (b) the Complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the Complainant could not understand the fact, nature, or extent of the sexual activity; (c) the Complainant was unable to communicate due to a mental or physical condition, or involuntary physical restraint.

Whether the Respondent reasonably should have known that the Complainant was incapacitated will be evaluated using an objectively reasonable person standard. The fact that the Respondent was actually unaware of the Complainant's incapacity is irrelevant to this analysis, particularly where the Respondent's failure to appreciate the Complainant's Incapacitation resulted from the Respondent's failure to take reasonable steps to determine the Complainant's Incapacitation or where the Respondent's own Incapacitation (from alcohol or drugs) caused the Respondent to misjudge the Complainant's incapacity.

It is the responsibility of each Party to be aware of the intoxication level of the other Party before engaging in sexual activity. In general, sexual activity while under the influence of alcohol or other drugs poses a risk to all Parties. If there is any doubt as to the level or extent of the other individual's intoxication, it is safest to forgo or cease any sexual contact or activity. Being intoxicated by drugs or alcohol is no defense to any violation of this Policy and does not diminish one's responsibility to obtain consent.

**Informal Resolution:** A complaint Resolution agreed to by the Parties and approved by the Title IX Coordinator that occurs prior to a formal Final Determination being reached. An Informal Resolution cannot be offered when the complaint includes allegations that an Employee sexually harassed a Student; or when such a process would conflict with federal, state, or local law.

**Informal Resolution Facilitator (Facilitator):** A person assigned to facilitate Informal Resolution between the Parties. The Facilitator may be the Title IX Coordinator, an Investigator not yet involved in Investigation of a complaint, or another University staff member specially trained to serve in the role. The University may contract persons external to the University to serve in the Facilitator role where appropriate.

**Investigation:** the phase of Process A or Process B when Investigator gathers Relevant evidence and speaks to the Parties and Witnesses who are identified by the Parties.

**Investigation Report:** The Report prepared by the Investigator that provides a written summary of: (1) The Policy Violations under consideration; (2) Party and Witness Statements; and (3) The Documentary Evidence. The Investigation Report also includes attachments of the Party and Witness statements and copies or links to Relevant evidence.

**Investigator:** The person authorized by the University to gather facts about an alleged

violation of this Policy, assess relevance and credibility, synthesize the evidence, and compile this information into an Investigation Report of Relevant Evidence and a file of Directly Related Evidence. Under both Processes A and B, an Investigator may be the Title IX Coordinator or their designee including an external professional. Under Process A, an Investigator cannot serve as the Decision-Maker. Under Process B, an Investigator may serve as the Decision-Maker. An Investigator shall not have any conflicts of interest in the matter under Investigation.

**Knowledge:** When the University receives Notice of conduct that reasonably may constitute Prohibited Conduct under this Policy.

**Mandated Reporter:** Persons required by law to report known or suspected abuse or neglect relating to children to appropriate social service or law enforcement agencies. Under California law, the following categories of individuals are among those included in the definition of Mandated Reporters: any human resource employee designated by the employer to accept discrimination or harassment complaints, school officials and educators, any employee who supervises and has direct contact with Minor employees, employees whose duties require direct contact and supervision of persons under the age of 18, childcare and children's activity providers, or medical and mental health professionals.

**Marital Status:** An individual's state of marriage, non-marriage, divorce or dissolution, separation, widowhood, annulment, or other marital state, including domestic partnership. Marital Status is a Protected Status.

**Minor:** A person younger than 18 years old.

**Notice:** When an Employee, Student, or External Party informs the Title IX Coordinator of the alleged occurrence of Prohibited Conduct under this Policy.

**Notice of Investigation and Allegations:** A formal written communication informing Parties of the allegations of Prohibited Conduct under this Policy.

**Notice of Outcome:** A formal written communication informing the Parties of the Final Determination.

**Parental Status:** A person who, with respect to another person under 18, is a parent, stepparent or legal custodian or guardian (or is legally seeking such status). Parental Status is a Protected Status.

**Party:** A Complainant or Respondent.

**Peer Retaliation:** Retaliation by a Student against another Student.

**Policy Violation:** A Finding by a Preponderance of the Evidence that a person engaged in a Prohibited Conduct that is in violation of this Policy.

**Pregnancy or Related Conditions:** Pregnancy, childbirth, false pregnancy, termination of



pregnancy (abortion, miscarriage, or stillbirth), or recovery. Pregnancy is a Protected Status.

**Preponderance of the Evidence:** A standard of proof that determines whether alleged conduct more likely than not occurred based on the evidence presented or facts available at the time of the decision. It means that the evidence presented by one Party is more convincing or has greater weight than the evidence presented by the other Party.

**Privacy:** Private information related to a complaint will be shared with a limited number of University Employees who “need to know” in order to assist in the assessment, Investigation, and resolution of the reported matter, and the provision of Supportive Measures.

**Privilege:** Exists in the context of laws that protect certain relationships, including health care providers, attorneys, spouses, etc. Privilege is maintained by a provider unless a court orders release or the holder of the Privilege (e.g., a patient, client, spouse) waives the protections of the Privilege.

**Process A:** The Formal Grievance Process as detailed and defined within the Procedures affiliated with this Policy.

**Process B:** Administrative resolution procedures detailed in the Procedures affiliated with this Policy that only apply when Process A does not, as determined by the Title IX Coordinator.

**Program Participant:** A person other than a Student or Employee who is engaging or attempting to engage in an Education Program or Activity of the University and who has rights under Title IX.

**Protected Status:** Any status for which a person is afforded protection against Discrimination and harassment by law or University Policy. This Policy addresses conduct based on the following Protected Statuses: Familial Status, Gender (including Gender Identity and Gender Expression), Marital Status, Parental Status, Pregnancy or Related Conditions, Sex (including Sex Stereotypes), Sexual Orientation and status as a victim of Sexual Assault, Domestic Violence, or Stalking.

**Relevant:** Related to the allegations under Investigation. Questions and evidence in the Resolution Process are Relevant when they aid in showing whether the alleged conduct occurred and/or assist the Decision-Maker or in determining whether a Policy Violation occurred.

**Relevant Evidence:** Evidence that tends to prove (inculpatory) or disprove (exculpatory) an issue in the complaint.

**Remedies:** Individualized and post-Final Determination measures directed to the Complainant and/or the University community as mechanisms to address safety, prevent recurrence, and restore access to the University’s Education Program or Activity. Remedies are provided as appropriate, when reasonably available, and without fee or

charge to the Complainant or any other impacted individual.

**Report:** An allegation of Prohibited Conduct, affecting a member of the University community, including a Student, Employee, Program Participant, or applicant that is communicated to or received by the Title IX Coordinator. A Report provides Notice to the University of an allegation of Prohibited Conduct and provides an opportunity for the Title IX Coordinator to provide information, resources, and Supportive Measures.

**Reporting Party:** Any person, whether they are required or not, who makes a Report of a possible Policy Violation on behalf of a Complainant. A Reporting Party is not entitled to information about the complaint Resolution Process. A Reporting Party does not assume the role of the Complainant when the Complainant elects not to participate in the complaint Resolution Process.

**Resolution:** The result of an Informal Resolution, administrative resolution (Process B), or Formal Grievance Process (Process A).

**Resolution Process:** Umbrella term that is inclusive of Supportive Measures, Informal Resolution, Process A, Process B, etc.

**Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a Protected Status; or Retaliation for engaging in a protected activity.

**Responsible Employee:** An Employee who has the authority to take action to redress Sexual Harassment or provide Supportive Measures to students, or who has the duty to report Sexual Harassment to an appropriate school official who has that authority. All University Employees (including Student Employees), with the exception of Confidential Employees, are Responsible Employees who are obligated by this Policy to share Knowledge, Notice, and/or Reports of Sex Discrimination with the Title IX Coordinator.

**Sanctions:** Consequences imposed on a Respondent following a determination or acknowledgement that they violated this Policy.

**Sex:** The biological category a person is assigned at birth based on a combination of factors. Sex includes, but is not limited to pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery. Sex is a Protected Status.

**Sex Stereotype:** An assumption about a person's appearance or behavior or about an individual's ability or inability to perform certain kinds of work based on a myth, social expectation, or generalization about the individual's Sex. Sex Stereotype is a Protected Status.

**Sexual Harassment:** An umbrella category including the offenses of Sexual Harassment, Sexual Assault, Stalking, Dating Violence, and Domestic Violence.

**Sex Discrimination:** Prohibited conduct including but not limited to Discriminatory Harassment, Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, Stalking, Sexual Violence, Sexual Battery, Sexual Exploitation, Harm/Endangerment, Sex or Gender-Based Harassment, Sex or Gender-Based Discrimination, Intimidation, Sex or Gender-Based Hazing, Sex or Gender-Based Bullying, Violation of No Contact/Supportive or Protective Measures, Attempts, and Retaliation. Prohibited Conduct also includes certain consensual sexual and/or romantic relationships between Employees and Students, and between Employees where there is a power differential or imbalance.

**Sexual Orientation:** A person's identity in relation to the Gender or Genders to which they are sexually or romantically attracted and includes but is not limited to heterosexuality, gay, lesbian, bisexuality, and queer. Sexual Orientation is a Protected Status.

**Student:** An individual for whom the University maintains Student records and who is enrolled in or registered with an academic program of the University, including the recess periods between academic terms or who is on an approved educational leave or other approved leave status. A Student includes: an applicant for admission to AJU, an admitted AJU Student, an enrolled AJU Student, an AJU extended education Student, an AJU Student between academic terms, an AJU graduate awaiting conferral of a degree, an AJU Student currently serving a suspension or interim suspension, and an AJU Student who withdraws from AJU while a disciplinary matter (including Investigation) is pending.

**Supportive Measures:** Individualized measures offered as appropriate, when reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge, to the Complainant or Respondent regardless of whether a complaint is filed. Supportive Measures are to: 1) restore or preserve equal access to the University's Education Program or Activity, or the workplace, including to protect the safety of all Parties or the educational or work environment; or 2) provide support during the complaint Resolution Process.

**Title IX:** Title IX of the Education Amendments of 1972.

**Title IX Coordinator:** The individual designated by the University to ensure compliance with Title IX and the University's Title IX Program. The Title IX Coordinator is responsible for administering this Policy and the accompanying Procedures on Prohibition of Sex Discrimination. The Title IX Coordinator receives Reports and complaints of alleged Policy Violations and coordinates the responses, Supportive Measures, and Remedies that are compliant with Title IX and/or other applicable regulations. The Title IX Coordinator may delegate tasks to one or more designees, including an external consultant, and the Title IX Coordinator retains overall responsibility and authority. Under both Processes A and B, the Title IX Coordinator may serve as the Investigator. Under Process A, the Title IX Coordinator cannot serve as the Decision-Maker. Under Process B, the Title IX Coordinator may serve as the Decision-Maker.

**Witness:** A person who has knowledge of the alleged conduct under Investigation and provides their account to the Investigator.

**Working Days:** Monday through Friday, excluding all official holidays or campus closures where the complaint originated.

## **9. Academic Freedom and Freedom of Speech**

The University adheres to principles of academic and expressive freedom which are essential to the educational process. AJU encourages and supports the free expression of ideas, values, and opinions, even when unpopular or controversial. Not every act that may be offensive or insulting constitutes Sex Discrimination, as defined by law and this Policy. Nothing in this Policy shall be construed to limit the legitimate exercise of academic and expressive freedom, including but not limited to written, graphic, or verbal expression that can reasonably be demonstrated to serve a legitimate educational purpose. Nor shall this Policy be interpreted or applied in a manner that is inconsistent with California Education Code §94367 (“Leonard Law”).

When protected speech or conduct is not subject to discipline but causes harm to members of the AJU community, the University will work with the harmed individual to provide relief within the law and University Policy. This may include offering Supportive Measures to those impacted.

All members of the AJU community should recognize that the freedom of expression must coexist with other rights and the need for public order and safety. The exercise of freedom of expression and assembly must comply with all applicable federal, state, and local laws and AJU Policy. Conduct that violates this Policy, including statements that constitute Prohibited Conduct under this Policy, is not protected by academic freedom or freedom of expression. When speech or conduct includes terrorist threats or the promotion of actual or imminent physical violence or bodily harm, it is not protected by the First Amendment and/or California Education Code and/or AJU Policy.

## **10. Reporting to the Title IX Coordinator Notice/Complaints of Sex Discrimination**

The University encourages reporting of Sex Discrimination. Members of the University community who believe they have experienced Sex Discrimination have the right to choose whether to report the incident to the University and/or law enforcement, if appropriate, and have the right to choose whether to engage with the University once the University receives a Report.

Notice or complaints of Sex Discrimination may be made using any of the following options:

- 1) File a Report or Formal Complaint with, or give verbal notice to, the Title IX Coordinator. Such a Report or Formal Complaint may be made at any time

(including during non-business hours) by using the telephone number or email address, or by mail, to the office listed for the Title IX Coordinator below.

**Morgan Dyrek**  
**Title IX Coordinator**  
**15600 Mulholland Drive**  
**Los Angeles, CA 90077**  
**Phone: 310-440-1571**  
**Email: [titleix@aju.edu](mailto:titleix@aju.edu)**

- 2) Report online, using the reporting form posted [here](#). Anonymous Reports are accepted but can give rise to a need to investigate to determine if the Parties can be identified. If not, no further formal action is taken, though measures intended to protect the community may be enacted. The University tries to provide Supportive Measures to all Complainants, which may be impossible with an anonymous Report that does not identify the Complainant.

Because reporting carries no obligation to initiate a formal response, and because the University respects Complainant's requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of Privacy by making a report that allows the University to discuss and/or provide supportive measures.

In order to file a Formal Complaint, a document must be submitted by the Complainant or by the Title IX Coordinator alleging a Policy Violation by a Respondent and requesting that the University investigate the allegation(s). A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in this Policy. As used in this paragraph, the term "Formal Complaint" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the University) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that the university investigate the allegations.

If Notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

If the University's Title IX Coordinator is the alleged perpetrator of the Sex Discrimination, the Report should be submitted to Human Resources at [hr@aju.edu](mailto:hr@aju.edu), or in person at the University Human Resources Office Suite, Familian Campus. The Title IX Coordinator must recuse themselves from any administrative oversight of the proceedings associated with the reported Sex Discrimination.

If the University's President is the alleged perpetrator of the Sex Discrimination, the report should be submitted to the Chairperson of the Board of Directors, at [chairperson@aju.edu](mailto:chairperson@aju.edu). The University's President must recuse themselves from any administrative oversight of the proceedings associated with the reported Sex Discrimination.

## **11. Independence and Conflict of Interest**

The Title IX Coordinator manages the Title IX office and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this Policy and these procedures.

To raise any concern involving bias, conflict of interest, or misconduct by the Title IX Coordinator, contact Human Resources at [hr@aju.edu](mailto:hr@aju.edu).

## **12. Supportive Measures**

The University will offer and implement appropriate and reasonable Supportive Measures to the Parties upon Notice of alleged Sex- and Gender-based harassment, Discrimination, and/or Retaliation. Please consult the affiliated Procedures to this Policy for more information.

## **13. Emergency Removal**

The University can act to remove a Respondent from its Education Program or Activity—partially or entirely—on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. Please consult the affiliated Procedures to this Policy for more information.

## **14. Seeking Assistance from Confidential Employees**

To make informed choices, it is important to be aware of Confidentiality and required reporting obligations when consulting the University's resources. Within the University, some Employees may maintain Confidentiality and are not required to report actual or suspected Sex Discrimination in a way that identifies the Parties. They may offer options and resources without any obligation to inform an outside agency or the Title IX Coordinator unless a Complainant has requested the information be shared.

Individuals such as Complainants or External Parties (including parents/guardians when appropriate) who wish to seek advice or assistance concerning, or to discuss options for responding to, Sex Discrimination on a strictly confidential basis may wish to (but is not obligated to) speak with Confidential Employees.

A Confidential Employee does not have a duty to report to the Title IX Coordinator. However, they must explain to any person who informs them of any conduct that may constitute Sex Discrimination:

- The Employee's status as confidential, including circumstances in which the Employee is not required to report to the Title IX Coordinator conduct that may violate the Policy;
- How to contact the Title IX Coordinator and make a complaint;

- That the Title IX Coordinator may be able to offer and coordinate Supportive Measures, and initiate an Informal Resolution or Investigation.
- If the conduct might be criminal, the Employee must inform the person of the right, but not the obligation, to contact law enforcement and must offer to assist with making a report to law enforcement at the person's request.

Confidentiality does not extend to reasonable belief that a Minor (under age 18) has been harmed or is at risk of being harmed, which by law must be reported to law enforcement or child protective services. Similarly, if an individual makes a specific threat of self-harm or of planning to kill or seriously harm another person to a Confidential Employee, this also requires a report to law enforcement. Information shared with the Confidential Employee may also be disclosed when the reporting person gives written consent for its disclosure. In addition, the disclosure of information might be required in legal proceedings outside of the University, such as when a court orders the release of this information.

If the Confidential Employee also has a role or duty not associated with providing these services, the Employee's confidential status is limited to information received about Sex Discrimination in connection with providing these services.

All of the below-listed Employees will maintain Confidentiality when acting under the scope of their role as Confidential Employees, except in extreme cases of immediacy of threat or danger or abuse of a Minor, or when required to disclose by law or court order.

TimelyCare (Student mental health counseling) and/or the Employee Assistance Program are available to help free of charge and may be consulted at any time. Please consult APPENDIX A of this Policy for additional information.

Confidential Employees will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to the individuals who sought their assistance.

Confidential Employees designated by the University are:

<b>Name</b>	<b>Campus</b>	<b>How to Contact</b>
Patricia Fenton	Ziegler School of Rabbinic Studies	Email: <a href="mailto:pfenton@aju.edu">pfenton@aju.edu</a> Phone: 310-440-1518
Sherry McEachern	Familian Campus	Email: <a href="mailto:sherry.mceachern@aju.edu">sherry.mceachern@aju.edu</a> Phone: 310-440-1535
Rusty Madison-	Brandeis Bardin Campus	Email: <a href="mailto:rmeyer@aju.edu">rmeyer@aju.edu</a>

Meyer		Phone: 310-440-1287
** Camp Alonim Health Center (Licensed Healthcare Professionals- Nurses, Doctors, and a Clinical Social Worker)	Camp Alonim at the Brandeis Bardin Campus	Phone: 805-582-4454

\*\* The Camp Alonim Health Center is operated seasonally when Camp Alonim is in session, typically during the months of June, July, and August of each year. The Health Center employs licensed healthcare professionals who provide health care to the participants and seasonal staff of camp programs when Camp Alonim is in session. These licensed healthcare professionals are Confidential Employees who do not have a duty to report to the Title IX Coordinator any potential Sex Discrimination that they may be informed of while they are performing their assigned job duties, specifically the provision of medical or mental health treatment or counseling to camp participants and seasonal staff.

## **15. Reporting to Responsible Employees**

All University Employees (including student employees), other than those deemed Confidential Employees, are Responsible Employees and are expected to promptly report all known details of actual or suspected Sex Discrimination to the Title IX Coordinator immediately at [titleix@aju.edu](mailto:titleix@aju.edu) or 310-440-1571.

It is important to distinguish Responsible Employees from Mandated Reporters who are individuals required to report known or suspected instances of abuse or neglect involving a child.

If a Complainant expects formal action in response to their allegations, reporting to any Responsible Employee can connect them with resources to report alleged crimes and/or Policy Violations, and these Employees will immediately pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant or required by law), who will act when an incident is reported to them.

When an individual such as a Complainant or an External Party (including parents/guardians when appropriate) tells a Responsible Employee about an incident of Sex Discrimination, the individual has the right to expect the University to take immediate and appropriate steps to respond to the matter promptly and equitably.

A Responsible Employee must report to the Title IX Coordinator all relevant details about the alleged Sex Discrimination shared by the individual and that the University will need to determine what happened – including the names of the individual and alleged perpetrator(s), any Witnesses, and any other relevant facts, including the date, time and



specific location of the alleged incident.

To the extent possible, information reported to a Responsible Employee will be shared only with people responsible for handling the University's response to the report.

Before an individual reveals any information to a Responsible Employee, the Employee should ensure that the individual understands the Employee's reporting obligations – and, if the individual wants to maintain Confidentiality, direct the individual to confidential resources.

Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Responsible Employee, as those details must be shared with the Title IX Coordinator. Please consult Section 16. Anonymout Notice to Responsible Employees below for more information.

Responsible Employees must also promptly share all details of behaviors under this Policy that they observe or have Knowledge of, even if not reported to them by a Complainant or External Party.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as "Take Back the Night" marches or speak-outs do not provide Notice that must be reported to the Title IX Coordinator by Responsible Employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from the University. Supportive measures may be offered as the result of such disclosures without formal University action.

Failure of a Responsible Employee, as described above in this section, to report an incident of Sex Discrimination of which they become aware is a violation of this Policy and can be subject to disciplinary action for failure to comply/failure to report.

When a Responsible Employee is engaged in conduct prohibited by this Policy, they still have a duty to report their own misconduct, though the University is technically not on Notice simply because a perpetrator is also a Responsible Employee unless the perpetrator does in fact report themselves.

A Responsible Employee who is themselves a target of Prohibited Conduct under this Policy is not required to report their own experience, though they are, of course, encouraged to do so.

University Employees who hold a professional license but who are not employed by AJU in their capacity as a professional counselor, health service provider, clinical social worker, sexual assault or domestic violence counselor or advocate, chaplain, or pastoral counselor, are considered Responsible Employees.

Only professionally licensed counselors, health service providers, clinical social workers, and clergy who act solely in these roles as part of their assigned job duties, specifically the provision of medical or mental health treatment or counseling, are considered exempt from the reporting duties of a Responsible Employee.

## **16. Anonymous Notice to Responsible Employees**

At the request of a Complainant, Notice may be given anonymously (i.e., without identification of the Complainant) to the Title IX Coordinator by a Responsible Employee. The Responsible Employee cannot remain anonymous themselves.

If a Complainant has requested that a Responsible Employee maintain the Complainant's anonymity, the Responsible Employee may do so unless it is reasonable to believe that a compelling threat to health or safety could exist. The Responsible Employee can consult with the Title IX Coordinator on that assessment without revealing personally identifiable information.

Anonymous Notice will be investigated by the University to the extent possible, both to assess the underlying allegation(s) and to determine if Supportive Measures or Remedies can be provided. However, anonymous Notice typically limits the University's ability to investigate, respond, and provide Supportive Measures or Remedies, depending on what information is shared.

When a Complainant has made a request for anonymity, the Complainant's personally identifiable information may be withheld by a Responsible Employee, but all other details must be shared with the Title IX Coordinator.

## **17. Anonymous Reporting to the Title IX Coordinator**

Individuals who are not Responsible Employees and who wish to make an anonymous Report could do so by using the reporting form on the University's [Title IX webpage](#). When the anonymous Report lacks a Complainant or sufficient information for the University to act on, the University's ability to investigate, respond, and provide Supportive Measures or Remedies is limited. On the other hand, the University reserves the right to enact measures intended to protect the AJU community when reported allegations indicate a potential threat to the community.

## **18. When a Complainant Does Not Wish to Proceed**

If a Complainant does not wish for their name to be shared, does not wish for an Investigation to take place, and/or does not want a Formal Complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the University community and to comply with state or federal law. Please consult the affiliated Procedures to this Policy for more information.

## **19. Clery Act Timely Statistical Reporting Obligations**

The Jeanne Clery Campus Safety Act or Clery Act, requires institutions of higher education to record and report certain information about campus safety, including the number of incidents (with no detail or personally identifying information) of certain crimes on or near campus, some of which constitute Prohibited Conduct under this policy.

Certain University officials – those deemed Campus Security Authorities – have a duty to

report the following to the University for federal statistical reporting purposes (Clery Act):

- All “primary crimes,” which include criminal homicide, Sexual Assault, robbery, aggravated assault, burglary, motor vehicle theft and arson;
- Hate crimes, which include any bias-motivated primary crime as well as any bias-motivated larceny or theft, simple assault, intimidation or destruction/damage/vandalism of property;
- Violence Against Women Act (VAWA-based crimes), which include Sexual Assault, Domestic Violence, Dating Violence and Stalking; and
- Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations and drug abuse-related law violations.

All personally identifiable information is kept private, but statistical information regarding the type of incident and its general location (i.e. on- or off-campus or in the surrounding area, but no addresses are identified) must be shared with Clery Act Compliance official for publication in the Annual Security Report, inclusion in the annual statistical disclosure, timely warning consideration, and daily campus crime log. Reports of crimes made on a voluntary, confidential basis will be included in the annual disclosure of crime statistics. Campus Security Authorities include student affairs/student conduct staff, local police, residence life staff, student activities staff, human resources staff, and any other official with significant responsibility for student and campus activities.

## **20. Clery Act Timely Warning Obligations**

To comply with the Clery Act, the University must issue timely warnings for reported incidents that pose a serious or continuing threat of bodily harm or danger to members of the Campus community.

The University will ensure that a Complainant’s name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

## **21. Reporting/Notice to Law Enforcement**

The University encourages persons who experience Sexual Violence, Sexual Battery, Sexual Assault, Dating Violence, Domestic Violence, Stalking, Harm/Endangerment, Intimidation, and Sexual Exploitation which may constitute a violation of law to report the incident to local law enforcement at any time by calling 911. Filing a police report can result in the investigation of criminal behavior and the prosecution of the perpetrator. Timely reporting to the police is an important factor in the successful investigation and prosecution of crimes. There may be circumstances where the University is obliged to report an incident of violent crime, hate crime, or Sexual Assault immediately, or as soon as practicably possible, to local law enforcement.

At an individual’s request, the University will assist the individual in contacting law enforcement. If the individual decides to pursue a criminal complaint, the University will cooperate with law enforcement agencies to the extent permitted by law. An individual has the right to decide whether or not to make a report to law enforcement. The University will

honor requests for confidentiality.

Local law enforcement agencies are prohibited from disclosing information about most Sexual Assaults if the Complainant requests anonymity. When information is shared with law enforcement, such reports will include (when the Complainant has consented to being identified):

- The name and characteristics of the alleged victim
- The name and characteristics of the alleged perpetrator, if known
- Description of the incident, including location and date and time
- Any report number assigned to the police incident report documenting the investigation being conducted by the jurisdictional agency

A criminal investigation into an allegation of Sex-based act does not relieve or substitute for the University's duty and authority to conduct its own prompt review of a complaint.

## **22. Mandatory Reporting Requirements for Health Practitioners in California**

Any licensed health care provider in the State of California providing services in a health facility, clinic, or physician's office is required to make a report if they provide *medical treatment for a physical condition* to a patient whom they know, or reasonably suspect, is the victim of assaultive or abusive conduct or a firearm injury. The health practitioner is required to make a report by telephone as soon as practically possible and send a written report to a local law enforcement agency within two Working Days. The report must be made to the enforcement agency that has jurisdiction over the location in which the injury was sustained. This includes any health care practitioners in the Camp Alonim Health Center.

## **23. External Reporting**

Individuals may wish to pursue complaints directly with the government agencies (listed below) that handle claims of unlawful Sex Discrimination. In addition, persons who have concerns about the AJU's application of this Policy and compliance with certain federal and state civil rights laws may also contact the agencies identified below.

Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100  
Customer Service Hotline #: (800) 421-3481  
Facsimile: (202) 453-6012  
TDD#: (800) 877-8339  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

For complaints involving Employee-on-Employee conduct:

California Civil Rights Department (CRD)

651 Bannon Street, Suite 200  
Sacramento, CA 95811  
Phone: (800) 884-1684  
TTY: 800-700-2320  
Email: [contact.center@calcivilrights.ca.gov](mailto:contact.center@calcivilrights.ca.gov)

Equal Employment Opportunity Commission (EEOC)  
Roybal Federal Building  
255 East Temple St., 4th Floor  
Los Angeles, CA 90012  
Phone: 213-785-3090  
TTY: 1-800-669-6820  
ASL Video Line: 844-234-5122  
Email: [info@eeoc.gov](mailto:info@eeoc.gov)

#### **24. Time Limits on Reporting**

There is no time limitation on providing Notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the University's disciplinary authority and/or significant time has passed, the ability to investigate, respond, and/or provide Remedies may be significantly limited or impossible. It is the Title IX Coordinator's discretion to act on Notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of Policy). The Title IX Coordinator may document allegations for future reference, offer Supportive Measures and/or Remedies, and/or engage in informal or formal action, as appropriate.

When Notice/complaint is affected by significant time delay, the University will typically apply the Policy in place at the time of the alleged misconduct and the procedures in place at the time of Notice/complaint.

#### **25. False Reporting**

All Parties, Witnesses, or others participating in the processes outlined in this Policy and the accompanying Procedures are expected to participate in good faith and provide truthful information. Providing deliberately false and/or misleading information in bad faith, or willfully for personal gain or intentional harm to another, is prohibited and subject to appropriate discipline. This does not include allegations that are made in good faith and ultimately shown to be erroneous or are not substantiated, or do not result in a Policy Violation determination.

Additionally, individuals including Parties and Witnesses who knowingly provide false evidence, tamper with or destroy evidence, or deliberately mislead an official conducting an Investigation, hearing, or Informal Resolution process can be subject to discipline under appropriate University policies.

#### **26. Standard of Proof**

The University uses the Preponderance of the Evidence standard of proof when

determining whether a Policy Violation occurred. The University will determine whether the alleged conduct more likely than not occurred based on the evidence presented or facts available at the time of the decision. This typically means that the evidence presented by one Party is more convincing or has greater weight than the evidence presented by the other Party.

## **27. Promptness**

Once the University has received Notice or a Formal complaint, all allegations are promptly acted upon. Complaints typically take 90-120 Working Days to resolve. There are always exceptions and extenuating circumstances that can cause a Resolution to take longer, but the University will avoid all undue delays within its control.

Any time the general timeframes for Resolution outlined in the University's Procedures will be delayed, the University will provide written notice to the Parties of the delay, the cause for the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

## **28. Confidentiality/Privacy/Privilege**

For the purposes of this Policy, Confidentiality, Privacy, and Privilege are defined as such:

**Confidentiality:** Legally protected information that is exchanged or developed between an individual and those who provide services related to medical and clinical care, mental health care, counselors and ordained clergy. The law creates a privilege between certain health care providers, attorneys, clergy, and their patients, clients, parishioners, congregants and/or members of a congregation, and spouses.

**Privacy:** Private information related to a complaint will be shared with a limited number of University Employees who "need to know" in order to assist in the assessment, Investigation, and resolution of the reported matter, and the provision of supportive measures. The Privacy of Student education records will be protected in compliance with the Family Educational Rights and Privacy Act ("FERPA") and the Privacy of Employee records will be protected in compliance with California law and University Policy.

**Privilege:** Exists in the context of laws that protect certain relationships, including health care providers, attorneys, spouses, etc. Privilege is maintained by a provider unless a court orders release or the holder of the Privilege (e.g., a patient, client, spouse) waives the protections of the Privilege.

## **29. Privacy**

When Reports or complaints are made of Sex- or Gender-based Discrimination, harassment or Retaliation, the University will endeavor to preserve the Privacy of the

information contained in the Reports or complaints, as well as the identities of (1) the person making the Report or complaint; (2) any Complainant; (3) any Respondent; and (4) any Witness, except as permitted by FERPA, 20 U.S.C. §1232g; FERPA regulations, 34 CFR §99; or as required by law; or to carry out the purposes of this Policy, including the conducting of any Investigation, hearing, or grievance proceeding arising under this Policy and associated Procedures.

The University reserves the right to determine which University officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to FERPA.

Typically, only a small group of officials who need to know will be told about the complaint, including but not limited to: the Title IX Coordinator and appropriate members of University administration. Information will be shared as necessary with the Investigator, Decision-Maker, Appeal Officer, Witnesses, and the Parties. Additional units within the University such as Human Resources and Academic Affairs will be informed, as appropriate. The circle of people with this knowledge will be limited to preserve the Parties' rights and Privacy.

The University may contact parents/guardians to inform them of situations in which there is a significant risk to the safety or well-being of that Student, other Students, or other members of the AJU community, but will usually consult with the Student first before doing so.

### **30. Preserving Evidence**

The preservation of evidence in incidents of Sex-based violence is critical to potential criminal prosecution and to obtaining restraining/protective orders and is particularly time sensitive.

Any individual who has experienced an act or acts of Sex-based violence is encouraged to take steps to preserve evidence and to note the identity and location of Witnesses. Doing so may be necessary to prove a criminal act or to obtain a restraining/protection order from the court.

**Collection of Medical/Legal Evidence:** Anyone who has experienced an incident of sex-based violence such as Sexual Assault is encouraged to request collection of medical/legal evidence via a Sexual Assault Forensic Exam (SAFE) in the County where the incident occurred. Collection of evidence involves making a police report and interacting with the police and the County's Sexual Assault Response Team (SART) at an off-campus medical facility. SAFE allows the prompt collection of physical evidence, which is important should a person later decide to pursue criminal prosecution and/or civil action. For more information regarding SART or the exam, including the option to obtain an exam without reporting the incident to AJU, please visit the following links. Individuals could also contact the police for more information about how to obtain an exam.

<https://oag.ca.gov/victimservices/forensic-medical-exam>

<https://dhs.lacounty.gov/emergency-medical-services-agency/home/hospital-specialty-care-center-programs/sexual-assault-response-team-sart-program/>

<https://www.vcccd.edu/departments/police/crime-prevention-information/sexual-assault>

To preserve evidence, wear or bring the clothes worn at the time of the incident to the exam and, if possible, avoid bathing, showering, urinating, douching, brushing one's teeth, drinking liquids, changing clothing, or cleaning the bed or linens where the incident occurred, before seeking law enforcement and/or medical assistance.

To preserve evidence at the scene of an incident, leave the scene undisturbed and allow law enforcement to collect evidence. If law enforcement is delayed or the impacted individual choose not to report immediately, they should collect bedding or clothing and store items in separate paper bags to avoid cross contamination of evidence. Each piece of garment or bedding should be placed in a separate paper bag. Any contraceptive device used during the incident should also be stored as such. If possible, use gloves to collect the evidence and place gloves in a paper bag once finished.

If the incident involved any written or electronic communications such as texts, photos, social media posts, videos, emails, call logs, etc., preserve copies of all communications and do not edit any information.

For Stalking, the following guidelines should be followed to preserve evidence.

- Evidence in the form of text and voice messages will be lost in most cases if the Complainant changes their phone number.
  - Make a secondary recording of any voice messages and/or save the audio files to a cloud server.
  - Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook).
- Save copies of e-mail or social media correspondence, including notifications related to account access alerts.
- Take timestamped photographs of any physical evidence including notes, gifts, etc. in place when possible.
- Save copies of any messages, to include those showing any request for no further contact.
- Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.

During the initial meeting between the Complainant and the Title IX Coordinator, the importance of taking these actions will be discussed, if timely.

### **31. Amnesty for Complainants and Witnesses**

The University community encourages the reporting of Sex Discrimination and crimes by Complainants and Witnesses. Sometimes, Complainants or Witnesses are hesitant to report to University officials or participate in Resolution Processes because they fear that



they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the University community that Complainants choose to report misconduct to University officials, that Witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, the University maintains a policy of offering Parties and Witnesses amnesty from minor Policy Violations—such as underage consumption of alcohol or the use of illicit drugs—related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty to a Respondent is based on neither Sex nor Gender, but on the fact that collateral misconduct is typically addressed for all Students within a progressive discipline system, and the rationale for amnesty—the incentive to report serious misconduct—is rarely applicable to Respondent with respect to a Complainant.

#### A. Students

Sometimes, Students are hesitant to assist others for fear that they may get in trouble themselves. For example, an underage student who has been drinking or using marijuana might hesitate to help take an individual who has experienced Sexual Assault to law enforcement or the Title IX Coordinator.

The University maintains a policy of amnesty for students who offer help to others in need. Although Policy Violations cannot be overlooked, the University may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

#### B. Employees

Sometimes, Employees are hesitant to report Sex- or Gender-based harassment, Discrimination, or Retaliation they have experienced for fear that they may get in trouble themselves. For example, an Employee who has violated the consensual relationship policy and is then assaulted in the course of that relationship might hesitate to report the incident to University officials.

The University may, at its discretion, offer Employee Complainants amnesty from such Policy Violations (typically more minor Policy Violations) related to the incident. Amnesty may also be granted to Respondents and Witnesses on a case-by-case basis.

### **32. Prevention and Outreach Programs**

The University has implemented comprehensive prevention and outreach programs to address issues of Sexual Harassment, Sexual Violence, Domestic Violence, Dating

Violence, and Stalking. These programs include, but are not limited to, information about the University's Policy and Procedures, rights and responsibilities, the practical implications of an affirmative consent standard, empowerment programming, awareness raising campaigns, primary prevention, bystander intervention, and risk reduction programs. Prevention and outreach programs are included as part of incoming Student and new Employee orientation. In addition, all Employees must complete ongoing prevention and intervention training and education.

### **33. Inclusion Related to Gender Identity/Expression**

The University strives to ensure that all individuals are safe, included, and respected in their working and learning environments, regardless of their Gender Identity or Gender Expression, including intersex, transgender, agender, and gender diverse students and employees.

Discrimination on the basis of Gender Identity or Gender Expression is not tolerated by University. If a member of the University community feels they have been subjected to Discrimination under this Policy, they should follow the appropriate reporting/Formal Complaint process described above.

In upholding the principles of equity and inclusion, the University supports the full integration and healthy development of those who are transgender, transitioning, or gender diverse, and seeks to eliminate any stigma related to Gender Identity and Gender Expression.

The University is committed to fostering a climate where all identities are valued and create a more vibrant and diverse community. The purpose of this Policy is to have the University administratively address issues some Students and Employees, including those identifying as intersex, transgender, agender, and gender diverse, may confront as they navigate systems originally designed around the assumption that Gender is binary. As our society's understanding of Gender evolves, so do the University's processes and policies.

Concepts like misgendering and deadnaming may not be familiar to all but understanding them is essential to University's goal of being as welcoming and inclusive a community as possible.

Misgendering is the intentional or unintentional use of pronouns or identifiers that are different from those used by an individual. Unintentional misgendering is usually resolved with a simple apology if someone clarifies their pronouns for you. Intentional misgendering is inconsistent with the type of community we hold ourselves out to be. We all get to determine our own Gender Identity and Gender Expression, but we don't get to choose or negate someone else's.

Deadnaming, along with misgendering, can be very traumatic to a person who is transgender, transitioning, or gender diverse. Deadnaming means using someone's birth-assigned (cisgender) name, rather than the name they have chosen.

To a person who is transgender, transitioning, or gender diverse, their cisgender identity

may be something that is in their past, dead, buried, and behind them. To then revive their deadname could trigger issues, traumas, and experiences of the past that the individual has moved past, or is moving past, and can interfere with their health and well-being.

Again, unintentional deadnaming can be addressed by a simple apology and an effort to use the person's chosen name. Intentional deadnaming could be a form of bullying, outing, or otherwise harassing an individual, and thus should be avoided.

This Policy should be interpreted consistent with the goals of maximizing the inclusion of intersex, transgender, transitioning, agender, and gender diverse Students and Employees, including:

- Maintaining the privacy of all individuals consistent with law
- Ensuring all Students equal access to educational programming, activities, and facilities,
- Ensuring all Employees equal access to employment opportunities and work, service, and facilities
- Providing professional development for Employees and education for Students on topics related to Gender inclusion
- Encouraging all Students and Employees to respect the pronoun usage and identities of all members of the Recipient community

The University has set forth its specific processes for implementing this Policy through the accompanying Procedures.

## **APPENDIX A: Resources**

**Chart 1- Resources for Individuals Who Wish to Make a Report or Complaint**

<b>Resource</b>	<b>Role</b>	<b>Available to:</b>	<b>Level of Confidentiality</b>
<p>Morgan Dyrek Email: <a href="mailto:titleix@aju.edu">titleix@aju.edu</a> Phone: 310-440-1571</p> <p>*AJU Human Resources Email: <a href="mailto:hr@aju.edu">hr@aju.edu</a></p> <p>**Chairperson of AJU Board of Directors Email: <a href="mailto:chairperson@aju.edu">chairperson@aju.edu</a></p>	<p>Title IX Coordinator</p> <p>*To report alleged Sex Discrimination by the Title IX Coordinator</p> <p>** To report alleged Sex Discrimination by the AJU President</p>	All AJU Community Members	Private to the extent practicable
<p>Public Safety/Law Enforcement</p> <p>911 Emergency Services</p> <p>West LA Community Police Station 1663 Butler Avenue Los Angeles, CA 90025 Phone: 310-444-0701</p> <p>Beverly Hills Police Department 464 N Rexford Drive Beverly Hills, CA 90210 Phone: 310-550-4951</p> <p>Simi Valley Police Department 3901 Alamo Street Simi Valley, CA 93063 Phone: 805-583-6950</p> <p>Ventura County Sheriff's Office 800 S. Victoria Avenue Ventura, CA 93009</p>	Provides law enforcement investigation and victim services for victims of crimes	Public Service for All	Laws protect certain aspects of victim reports including public disclosure of victim names

<p>Tel: 805-654-2380</p> <p><u><a href="#">Los Angeles County District Attorney's Office, Bureau of Victim Services</a></u>  1000 South Fremont Avenue  Unit 36, Bldg. A9E, Suite E9150  Alhambra, CA 91803  Phone: 626-514-1300 /  800-380-3811  Other Locations:  <u><a href="https://da.lacounty.gov/vwap/locations">https://da.lacounty.gov/vwap/locations</a></u></p> <p><u><a href="#">Ventura County District Attorney's Office, Crime Victims' Assistance Unit</a></u>  800 S. Victoria Avenue, Suite 314  Ventura, CA 93009</p> <p>Phone: 805-654-3622</p>			
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## Chart 2- Confidential Employees at AJU

Confidential Employee	Available to:	Level of Confidentiality
Patricia Fenton Email: <a href="mailto:pfenton@aju.edu">pfenton@aju.edu</a> Phone: 310-440-1518	AJU Community Members at the Ziegler School of Rabbinic Studies	Confidential
Sherry McEachern Email: <a href="mailto:sherry.mceachern@aju.edu">sherry.mceachern@aju.edu</a> Phone: 310-440-1535	AJU Community Members at the Familian Campus (Includes Maas Center and Masor School)	Confidential
Rusty Madison-Meyer Email: <a href="mailto:rmeyer@aju.edu">rmeyer@aju.edu</a> Phone: 310-440-1287	AJU Community Members at the Brandeis Bardin Campus (Does Not Include Participants and Seasonal Staff of Camp Alonim)	Confidential

<b>** Camp Alonim Health Center</b>  (Licensed Healthcare Professionals- Nurses, Doctors, and a Clinical Social Worker)  Phone: 805-582-4454	Participants and Seasonal Staff of Camp Alonim	Confidential
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\*\* The Camp Alonim Health Center is operated seasonally when Camp Alonim is in session, typically during the months of June, July, and August of each year. The Health Center employs licensed healthcare professionals who provide health care to the participants and seasonal staff of camp programs when Camp Alonim is in session. These licensed healthcare professionals are Confidential Employees who do not have a duty to report to the Title IX Coordinator any potential Sex Discrimination that they may be informed of while they are performing their assigned job duties, specifically the provision of medical or mental health treatment or counseling to camp participants and seasonal staff.

### Chart 3- Confidential Resources Internal and External to AJU

Resource	Role	Available to:	Level of Confidentiality
TimelyCare <i>(Vendor-contracted service)</i>  Students can access TimelyCare by logging into <a href="#">TimelyCare</a> and/or by downloading the mobile app	Free, online mental health and wellness resources including 12-recurring mental health and wellness counseling sessions per year	Students enrolled in degree programs at Ziegler School of Rabbinic Studies and Masor School for Jewish Education and Leadership	Confidential
Employee Assistance Program <i>(Vendor-contracted service)</i>  <a href="#">Mutual of Omaha</a> Phone: 800-316-2796	Free mental health and legal/financial resources including crisis counseling	AJU Employees	Confidential

	sessions and legal consultations		
<p>National Advocacy Programs</p> <p><a href="#">National Sexual Assault Online Hotline</a> Phone: 800-656-4673</p> <p><a href="#">National Domestic Violence Hotline</a> Phone: 800-799-7233</p>	Provides information, support and advocacy to individuals who may be victims or survivors of crime, violence and/or abuse	Public Service for All	Confidential
<p>Community Advocacy Programs- Los Angeles County</p> <p><a href="#">UCLA Medical Center Rape Treatment Center</a> 1250 16th St., Santa Monica, CA 90404 Phone: 424-259-7208</p> <p><a href="#">JFS Hope</a> Jewish Family Services Domestic Violence Services Phone: 818-505-0900 / 323-681-2626</p> <p><a href="#">Strength United</a> CSUN Community Agency 24-Hour Support, Referral, and Crisis Response Line: 818-886-0453 / 661-253-0258</p> <p><a href="#">Los Angeles LGBT Center</a> Stop Violence Program Phone: 323-860-5806 Email: <a href="mailto:STOPviolence@lgbtcenter.org">STOPviolence@lgbtcenter.org</a></p> <p>Legal Advocacy Project for Survivors (LAPS) Phone: 323-993-7649 Email: <a href="mailto:LAPS@lgbtcenter.org">LAPS@lgbtcenter.org</a></p>	Provides information, support and advocacy to individuals who may be victims or survivors of crime, violence and/or abuse	Public Service for All	Confidential

<p>Community Advocacy Programs- Ventura County</p> <p><a href="#">Coalition for Family Harmony</a> 24-Hour Bilingual Hotline: 800-300-2181 (Se habla Español) Email: <a href="mailto:Gethelp@thecoalition.org">Gethelp@thecoalition.org</a></p> <p><a href="#">Interface Children and Family Services</a> 24-Hour Hotline: 800-636-6738 Mental Health Intake Line: 805-485-6114, Option 2</p> <p><a href="#">Ventura County Family Justice Center</a> Phone: 805-652-7655 Text: 805-947-7981 Email: <a href="mailto:vcfjc.coop@ventura.org">vcfjc.coop@ventura.org</a></p>	<p>Provides information, support and advocacy to individuals who may be victims or survivors of crime, violence and/or abuse</p>	<p>Public Service for All</p>	<p>Confidential</p>
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